

U.S. Appln. No. 09/844,086
Response and Amendment dated June 14, 2004
Reply to Office action of January 27, 2004
Page 6 of 7

REMARKS

Claims 1-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by WO 98/15813. Applicants traverse the rejection and assert that each and every element of applicants' claimed invention as amended is not taught in the cited reference.

The Official Office Action states that the WO 98/15183 reference teaches the measurement of the property of permeability and the Official Office Action concludes that this reads on applicants' claimed determining relative adsorptivity, porosity, pore size, pore density, pore volume, and pore shape. Applicants' traverse this conclusion and assert that permeability of the reference, which is part of a recitation of an ambiguous series of large categories of properties without any additional specificity or detail, does not anticipate applicants' relative adsorptivity, porosity, pore size, pore density, pore volume, and pore shape. However, for the sake of expediency, applicant has deleted the rejected subject matter from Claim 1.

Claims 1-20 also stand rejected under 35 U.S.C. §103 (a) being unpatentable over WO 98/15813. Applicants traverse the rejection and assert that each and every element of applicants' claimed invention as amended is not taught or suggested in the cited reference.

The Official Office Action states that the WO 98/15183 reference teaches the measurement of the property of permeability and concludes that permeability is a result effective variable dependent upon the porosity and subsequent pore sizes/characteristics. Examiner states that if permeability is not identical to

U.S. Appln. No. 09/844,086
Response and Amendment dated June 14, 2004
Reply to Office action of January 27, 2004
Page 7 of 7

applicants' claimed determining relative adsorptivity, porosity, pore size, pore density, pore volume, and pore shape, it is sufficiently related that it would be within the skill of the art to correlate to applicants' claimed relative adsorptivity, porosity, pore size, pore density, pore volume, and pore shape. Applicants' traverse this conclusion and assert that permeability of the reference, which is part of a recitation of an ambiguous series of large categories of properties without any additional specificity or detail, does not suggest or motivate applicants' relative adsorptivity, porosity, pore size, pore density, pore volume, and pore shape. However, for the sake of expediency, applicant has deleted the rejected subject matter from Claim 1.

In light of the amendments which delete all rejected subject matter, applicants request that the rejections promulgated under 35 U.S.C. §102(b) and 35 U.S.C. §103(a) be withdrawn. Since no rejected material remains in the claims, and all rejections were to be put forth in the Official Office Action, this application is now believed to be in a condition for an allowance of all pending claims, as amended, and such action is respectfully requested.

Respectfully submitted,



Maryann Maas
Attorney for Applicants
Reg. No. 38,954
(847) 391-2137 (phone)
(847) 391-2387 (fax)

James W. Hellwege, Reg. No. 28,808
Washington Counsel
(703) 205-8021